

Maine State General Schedules

NOTICE

A state record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues arising from it. A record can also not be destroyed if the retention period occurs during any of these proceedings.

The Maine State General Schedules contain guidelines for complying with legal, fiscal, and administrative requirements for records retention and authorization to dispose of common records on a regularly scheduled basis.

The purpose of the General Schedules is to:

- provide agencies with uniform guidelines for the retention and disposition of common administrative, fiscal, and personnel records
- ensure that agencies retain these records as long as needed for internal administration, and to meet legal and audit requirements
- promote the cost-effective management of records
- provide agencies with authorization to dispose of obsolete records covered by the schedules on a regularly scheduled basis after minimum retention periods have been met.

These general schedules provide retention and disposition authorizations for records commonly created and maintained by state agencies to support administrative, personnel, and fiscal activities. For the purposes of these schedules, state agency means any department, division, board, bureau, office, council, or commission having statewide responsibility, specific functions or policies.

Sources of Additional Information and Assistance

Each agency must have a designated **Records Officer**, who coordinates the agency's records management program and serves as the primary contact for agency staff seeking information on use of general schedules. The Records Officer is responsible for agency-wide records management planning, program development, training, and technical assistance, including records inventorying and scheduling. Agency staff should contact their Records Officer for advice on how to use the general schedules and also their agency specific schedules. The agency Public Records Access Officer, who is responsible for implementing agency programs to comply with the Freedom of Access Act, can provide advice on public access questions.

The General Schedules indicate the minimum length of time listed records series must be retained by a state agency before destruction or archival preservation. Records series listed on the General Schedules are those that are commonly found in most state agencies. In addition to the common records listed in the General Schedules, each agency has unique records series and is responsible for creating agency specific retention schedules.

Federal or state statutes or regulations requiring longer retention periods override retention periods written in the General Schedules. If an agency is required to keep records longer than what is required by the General Schedules, an agency schedule should be created.

Electronic Records

The widespread use of computers and computer systems raises the question of how government agencies should apply records management standards to electronic records. Maine law defines public records, in part, as "all documentary material, *regardless of media or characteristics*, made or received in connection with the transaction of official government business. This means that electronic records fall under the definition of public records. Records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium in which the records are created and/or stored.

All state government personnel who develop, use and maintain electronic records must be trained to use this schedule for determining the *minimum* time that records are to be kept to satisfy the administrative, fiscal and legal needs of the agency.

Remember, all state government employees are responsible for maintaining the integrity of records whether those records are stored electronically or in hard copy. Information must be accessible to the appropriate parties until all of the legal, fiscal, and administrative retention periods have been met, regardless of the medium.

Correspondence and Email

E-mail is generally used for routine correspondence, much nonbusiness related correspondence but can also be used for official correspondence. The retention periods listed on the General Schedule apply equally to all correspondence, whether e-mail or paper. Please remember that being the custodian of the record (retaining the official record copy) may be different depending on whether a staff member is the sender or the recipient. A message from the Governor to all state employees might be maintained as Official Correspondence by the Governor's Office. That same piece of correspondence would be simply informational or "transitory" for most state employees. In lengthy, business-related e-mail discussions involving a number of agency staff, you may keep a copy if: (1) you add anything of value to the discussion or contribute beyond simply agreeing or disagreeing; or (2) you were the last person to add anything of value to the discussion, in which case you should keep the entire thread.

Executive Correspondence is a permanent record that documents the major activities, functions and programs of an agency and the important events in its history. Examples of Official Correspondence include policy memoranda dictating or establishing policy, directives, official notifications of agency decisions or actions, or summaries of an agency's cumulative experience or history. Most of this correspondence will be at the Commissioner level.

General Correspondence is correspondence that is not crucial to the preservation of the administrative history of the agency. It is generally of a non-policy nature and without permanent value. It deals only with the general agency operations, operations which are better documented by other records maintained by the agency. Examples of General Correspondence include assistance to clients, explanations of policy, requests for information, or business-related discussions within an agency. General correspondence is usually retained about 2 years (see General Schedule 13 for more information.)

Non-Business Related Correspondence is correspondence that is not relevant to the conduct of agency business. Examples of Non-Business Related Correspondence include spam or junk mail, personal messages, or unsolicited messages from coworkers such as jokes, news reports or announcements. Non-Business Related Correspondence should be deleted or destroyed immediately.

Informational and reference materials are aids of a technical or non-technical nature used in the conduct of official business, but not essential to that business. The disposition for such materials is "destroy when no longer useful" to the agency. Examples of informational and reference materials may include externally created brochures and publications, duplicate copies of memoranda which do not require action, literature not related to day-to-day activities, and some tracking tools, such as logs.

Definition of General Schedule Terms

- The *record copy* is a single copy of a record retained by its assigned custodian as the official record of a government transaction.
- The *agency copy* is kept by the agency that initiates the transaction. Agency copies are not convenience copies which may be destroyed when no longer useful, because they may not be exact duplicates of the record copies that the creating agency has sent for processing. The General Schedules require agency copies to be retained for specific time periods.

Example:

The Division of Purchases maintains record copies of contracts with vendors. Each agency that sends contracts to Purchases for processing and approval also maintains its own copies of these contracts, which must be kept for the retention period required by **General Schedule 1**.

General Schedule 1: Item 8: Contracts and RFP's
Bureau of Purchases retention 7 years (*Record Copy*)
Agency retention 3 years (*Agency Copy*)